

The Chief Justice on the Guardian *ad Litem* Program



Those who serve as legal representatives for children who have been abused or neglected are providing an invaluable service to the youngest citizens of the commonwealth. Guardians *ad litem* play a role of great importance by improving our justice system for the children of Kentucky.

The Administrative Office of the Courts recognizes the need for a well-trained pool of attorneys who are willing and able to serve as guardians *ad litem*. To that end, the AOC provides a comprehensive education program for attorneys willing to take on this important responsibility.

— Joseph E. Lambert
Chief Justice of Kentucky



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Kentucky Court of Justice Guardian *ad Litem* Program

*Providing educational services
for guardians ad litem and
other professionals who are involved
in dependency court proceedings*

Kentucky's Guardian *ad Litem* Program

The Administrative Office of the Courts is pleased to oversee Kentucky's Guardian *ad Litem* Program. Since 1999, the AOC has been responsible for preparing attorneys to provide legal representation to abused and neglected children across the commonwealth. The program's main goal is to produce highly qualified guardians *ad litem* by coordinating training sessions, compiling educational materials and serving as an overall resource.

The program is staffed by an attorney who organizes the training and acts as a liaison with Citizen Foster Care Review Board volunteers, the Cabinet for Families and Children, the courts and other children's advocacy groups.

The Curriculum

The current curriculum is designed to give the child's attorney an overview of Kentucky statutory and case law as well as provide an overview of the federal law that requires reasonable efforts to keep families together and provide children with safe and permanent homes. Attorneys are also introduced to the dynamics of child abuse and neglect. Their training includes child development theory and techniques to use when communicating with children. Technical assistance is available on the following topics:

- Dependency, Neglect and Abuse: Statutory Review
- Termination of Parental Rights
- Adoptions
- Ethical Considerations for the GAL
- Evidentiary Issues in Child Protection Cases
- Communicating With Children
- Professional Role Clarification
- Achieving a Culturally Competent Practice
- Determining What *Is* in the Best Interest of the Child: The Dynamics of Abuse and Neglect



The Mission

The mission of the curriculum is to promote competent GAL practice within Kentucky's juvenile court system, and to train and educate attorneys who are appointed to represent children in petitions of abuse, neglect and/or dependency. The ultimate goal is to find the appropriate permanent placement for children who enter the foster care system by affording them better legal representation.

Enhancing the Judicial Role in Child Representation

Courts have a great ability to positively influence the quality of counsel appointed to represent children.

The Court's Role in Structuring Child Representation

Assure Independence of Child's Attorney

- The child's attorney should be independent from the court, court services, the parties and the state.
 - "Independence" does not mean that an attorney may not receive payment from the state.
 - The concept of independence includes being free from prejudice and other limitations.

Establish Uniform Rules of Representation

- Courts should establish uniform written rules and procedures for court-appointed attorneys.
 - Standardized rules promote uniformity.
 - These rules should fully address the manner and scope of the representation.
 - These rules should also outline the court's expectations.

Enhance Attorney Relationships

- The court should ensure that Court Appointed Special Advocates (CASA) and Citizen Foster Care Review Board volunteers are trained to understand the role of the child's attorney.
 - These programs need to coordinate their efforts with the child's attorney.
 - The courts should require that these agencies prepare and present their reports in a timely manner.

The Court's Role in Appointing a Child's Attorney

- The court shall appoint a GAL for the child in dependency court proceedings (KRS 620.100) and in termination of parental rights proceedings (KRS 625.041 and KRS 625.080).
- The GAL shall have full access to all records relating to that child (KRS 610.342).
- The court should determine that the GAL has been trained in the representation of children.



The information on this page was adapted from the American Bar Association's *Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases* (National Association of Counsel for Children Revised Version).